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Paul Tucker

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FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER

BETT, JACOB F

ART UNIT

PAPER NUMBER

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NOTIFICATION DATE

DELIVERY MODE

12/03/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

Office Action Summary	Application No. 10/812,901	Applicant(s) TUCKER ET AL.	
	Examiner Jacob F. B��tit	Art Unit 2169	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C.   133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-23 and 25-32 is/are pending in the application.
- 4a) Of the above claim(s) 32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-23 and 25-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C.   119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C.   119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/27/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Remarks

1. In response to communications filed on 18 August 2008, claims 1, 3-8, 12, 13, 16-18, 20, 21, 23, 25-31 have been amended and claims 2 and 24 are cancelled per applicant's request. Claims 1, 2-23, and 25-32 are presently pending in the application of which claim 32 has been withdrawn.

Election/Restrictions

2. Claim 32 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 14 December 2007.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1, 3-20, 23, 25-29, and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Ortega et al. (U.S. patent No. 6,144,958).

As to claim 1, Ortega et al. teaches a method comprising:

populating a memory, wherein populating the memory (see column 3, lines 44-57)

comprises:

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receiving a first search query having first content, the first content comprising a plurality of search terms forming a phrase; rewriting the first search query, based on the phrase, into a modified search query; and mapping the first search query to the modified search query in the memory (see column 4, lines 35-65);

and subsequently processing a second search query including: receiving the second search query having second content; determining whether at least one portion of the second content matches the first content (see column 5, lines 17-26); and

responsive to the at least one portion of the second content matching the first content, executing a search that includes the modified search query in place of the at least one portion of second search query and returning one or more corresponding search results as responsive to the received second search query (see column 4, line 67 through column 5, line 8).

As to claim 3, Ortega et al. teaches further comprising: responsive to the second content not comprising any portion that matches the first content, executing a search of the received second search query (see column 4, lines 40-45 and see column 8, lines 55-63).

As to claim 4, Ortega et al. teaches wherein the memory comprises a look-up table for the mapping (see column 5, lines 17-26).

As to claim 5, Ortega et al. teaches wherein the search of the modified second search query is executed by a backend data system (see figure 1, reference characters 32 and 38 and see column 8, lines 5-11).

As to claim 6, Ortega et al. teaches wherein the backend data system is physically apart from the memory and comprises one or more databases having data to be searched (see column 8, lines 5-11).

As to claim 7, Ortega et al. teaches wherein the memory comprises a look-up table mapping the first search query to the modified search query; and wherein the backend data system is physically apart from the memory and comprises one or more databases having data to be searched (see figure 1, reference character 40).

As to claim 8, Ortega et al. teaches wherein the step of mapping is performed offline prior to the step of receiving the second search query; and the step of executing the search is performed online upon receiving the second search query (see column 5, lines 26-44).

As to claim 9, Ortega et al. teaches wherein the step of rewriting the first search query into the modified search query comprises: determining that the first search query is frequently received; issuing the first search query to the backend data system to find information related to the first search query; determining additional content for the first search query based on the related information; and rewriting the first search query into a modified search query having the first content and the additional content (see column 4, lines 35-58 and see column 5, lines 17-26).

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As to claim 10, Ortega et al. teaches wherein the step of rewriting the first search query into the modified search query comprises: determining a more common or popular phrase or term for the first content of the first search query; and rewriting the first search query into the modified search query having the more common or popular phrase or term in place of the first content (see column 4, line 59 through column 5, line 8).

As to claim 11, Ortega et al. teaches wherein the first and second search queries are received at a first system of a search site, and the search of the modified search query is issued by a search engine in the first system (see figure 1, reference characters 32 and 38).

As to claim 12, Ortega et al. teaches wherein the first system of the search site comprises cache memory (see figure 1, reference character 50).

As to claim 13, Ortega et al. teaches wherein the memory is physically apart from the first system of the search site (see column 8, lines 5-11).

As to claim 14, Ortega et al. teaches wherein the step of rewriting is performed by the first system of the search site (see column 4, lines 35-58).

As to claim 15, Ortega et al. teaches wherein the steps of mapping and determining are performed by the first system of the search site (see column 4, lines 35-58).

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As to claim 16, Ortega et al. teaches wherein the memory is a database in a memory system of the search site, and the steps of mapping and determining are performed by the memory system (see column 4, lines 35-58).

As to claim 17, Ortega et al. teaches wherein the memory is a database in a memory system of the search site, and the step of rewriting is performed with the memory system (see column 4, lines 35-58).

As to claim 18, Ortega et al. teaches wherein the steps of mapping and determining are performed by the memory system (see column 4, lines 35-58).

As to claim 19, Ortega et al. teaches wherein the steps of mapping and determining are performed by the first system of the search site (see column 4, lines 35-58).

As to claim 20, Ortega et al. teaches wherein the memory comprises a memory chip (see column 8, lines 5-11).

As to claim 23, Ortega et al. teaches a computer-readable storage device having computer- executable instructions contained therein for performing a method, the method comprising:

populating a memory, wherein populating the memory (see column 3, lines 44-57) comprises:

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receiving a first search query having first content, the first content comprising a plurality of search terms forming a phrase components; rewriting the first search query, based on the phrase, into a modified search query; and mapping the first search query to the modified search query in the memory (see column 4, lines 35-65); and

subsequently processing a second search query including: receiving the second search query having second content; determining whether at least one portion of the second content matches the first content (see column 5, lines 17-26); and

in response to the at least one portion of the second content matching the first content, issuing a search that includes the modified search query in place of the at least one portion of the second search query, to a backend data system to return one or more corresponding search results as responsive to the received second search query (see column 4, line 67 through column 5, line 8).

As to claim 25, Ortega et al. teaches wherein the method further comprises:

issuing a search of the received second search query to the backend search system in response to the second content not comprising any portion that matches the first content (see rejection of claim 3).

As to claim 26, Ortega et al. teaches wherein mapping the first search query to the modified search query in the memory comprises generating a look-up table for the mapping (see rejection of claim 4).

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As to claim 27, Ortega et al. teaches wherein the mapping is configured to run offline prior to the step of receiving the second search query; and the issuing the search is configured to run online upon receiving the second search query (see rejection of claim 8).

As to claim 28, Ortega et al. teaches wherein rewriting the first search query into the modified search query comprises: determining that the first search query is frequently received; issuing the first search query to the backend data system to find information related to the first search query; determining additional content for the first search query based on the related information; and rewriting the first search query into the modified search query having the first content and the additional content (see rejection of claim 9).

As to claim 29, Ortega et al. teaches wherein rewriting the first search query into the modified search query comprises: determining a more common or popular phrase or term for the first content of the first search query; and rewriting the first search query into the modified search query having the more common or popular phrase or term in place of the first content (see rejection of claim 10).

As to claim 31, Ortega et al. teaches a method comprising:
populating a memory, wherein populating the memory (see column 3, lines 44-57)
comprises:
receiving at a search interface a plurality of instances of a first search query having a first plurality of search terms forming a phrase; determining an indicator of frequency with which the

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first search query has been received at the search interface; when the first search query is determined, based on the indicator of frequency, to be among a group of most frequently received queries relative to other queries received at the search interface that are different than the first search query, rewriting the first search query, based on the phrase, into a modified search query having a second plurality of search terms that are different in content or order than the first plurality of search terms, and mapping the first search query to the modified search query in the memory (see column 4, lines 35-65); and

subsequently processing a second search query including: receiving the second search query; determining that whether at least one portion of the second matches one or more of the first plurality of search terms (see column 5, lines 17-26); and

executing a search of the modified search query in place of the at least one portion of the second search query, and returning one or more corresponding search results as responsive to the received second search query (see column 4, line 67 through column 5, line 8).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ortega et al. in view of the Examiner's Official notice.

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As to claim 21, Ortega et al. does not distinctly disclose wherein the memory comprises a disk-storage memory device.

However, the Examiner takes official notice that it would have been obvious to one having ordinary skill in the art at the time of the invention to include wherein the memory comprises a disk-storage memory device since disk based memory devices were well known in the art at the time of the invention. The use of disk based storage would provide the added benefit of being cheaper to implement while being causing negative results in regards to the amount of time it would take to do a lookup in the correlation table.

7. Claims 22 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ortega et al. in view of Bowman (U.S. patent No. 6,006,225).

As to claim 22, Ortega et al. does not distinctly disclose wherein the step of rewriting the first search query into the modified search query comprises: determining an additional phrase or term for the first content of the first search query; and augmenting the first search query with the additional phrase or term.

Bowman teaches this, see column 13, line 63 through column 14, line 12. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Ortega et al. to include the teachings of Bowman because these teachings would allow users to both rewrite their queries to include commonly misspelled terms and to include added search terms in their searches.

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As to claim 30, Ortega et al. as modified in view of claim 22 teaches wherein rewriting the first search query into the modified search query comprises: determining an additional phrase or term for the first content of the first search query; and augmenting the first search query with the additional phrase or term (see rejection of claim 22).

Response to Arguments

8. Applicant's arguments with respect to claims have been considered but are moot in view of the new grounds of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob F. Bétit whose telephone number is (571)272-4075. The examiner can normally be reached on Monday through Friday 10:30 am to 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tony Mahmoudi can be reached on (571) 272-4078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/jfb/

Examiner, Art Unit 2169

24 Nov 2008

/Tony Mahmoudi/

Supervisory Patent Examiner, Art Unit 2169